

INQUIRY INTO VULNERABLE ROAD USERS

Organisation: Private Citizen
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Mr Geoff Corrigan
Chairman
Staysafe (Joint Standing Committee on Road Safety)
Parliament House
Macquarie St
Sydney NSW 2000

Dear Mr. Corrigan,

Please find attached my personal submission to the Staysafe Committees' Inquiry into Vulnerable Road Users.

I am Chairman of a Bicycle User Group based in Western Sydney called Cyclist Action Movement West (CAMWEST) and Chairman of Parramatta City Council's Cycleways Committee. This submission however expresses my personal beliefs and observations and in no way purports to reflect the views of either of the above organisations.

Yours sincerely

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INTRODUCTION:

It is my opinion the results of this inquiry into Vulnerable Road Users should be read in conjunction with the previous inquiry into Pedestrian Safety carried out in 2009 as I believe a number of points raised in that inquiry have direct relevance to issues pertaining to cyclists as vulnerable road users, a category that should also include pedestrians and possibly users of other motorised and non motorised mobility aids such as electric assisted bicycles.

It is also my opinion that the issues facing motor cyclists are in many cases, far different to those pertaining to bicycle riders and it is my intention to focus my comments on the latter group. Although I have held a motor cycle licence for 40 years, it is no longer my choice of transport, having decided on a bicycle as my choice of vehicle for my mid-life crisis.

COMMENT:

a) Patterns of motorcycle and bicycle usage in NSW;

It is my observation as both a commuting and recreational cyclist that the use of the bicycle for both of these purposes has increased markedly in Australia in recent years. Commuter numbers are increasing, and although it is difficult to find accurate measurements for this assertion some good indications are the sales of bicycles being equal to or greater than cars for seven out of the eight years from 2000 to 2007.¹

With the demise of the NSW Big Ride, a joint venture between Bicycle NSW and the RTA, a number of rides have been initiated by Bicycle User Groups (BUG's), Charity Organisations and private operators across NSW. Events such as Dungog Based Pedal Fest, Cumnock's Mulga Bill's Festival, and Mudgee's Bike Muster and Broken Hill based Silver City Bush Treadler's Annual Dare's are held annually across the State. These range from small events based in the local area over a weekend to long distance rides over two to four weeks, each attracting numerous participants. There are also many 1 day rides held across NSW each year which can attract several thousand participants each.

b) Short and long term trends in motorcycle and bicycle injuries and fatalities across a range of settings, including on-road and off-road users;

It is a difficult task to obtain actual figures separating on-road and off-road injury and fatality figures. Some reasons for this are also given pertaining to these figures in the document from the Premiers Council for Active Living referred to above. Most off-road bicycle accidents would appear to occur on private property or in areas of park land and are not necessarily brought to the attention of Police or not recorded as a road related accident by Police when reported as they could be deemed to not fall under the requirements of the Australian Road Rules. Similarly, accidents involving motorcycles occurring off-road are likely to involve private property or illegal activity on isolated roads such as an unregistered motorcycle or unlicensed rider and not be reported to Police. Many may be reported to General Practitioners as well. The only figures that could be considered accurate would be those relating to fatal or serious injury accidents where victims are treated at a Hospital Emergency Ward.

¹ Source: http://www.pcal.nsw.gov.au/data/assets/pdf_file/0011/36785/Cycling_in_NSW_-_What_the_Data_Tells_Us.pdf, Viewed 29th July 2010.

It appears however, from information provided to the inquiry into Pedestrian Safety in 2009 that there has been a level to downward trend in bicycle accidents for several years. This is in contrast to the increase in the number of cyclists now participating in the activity.

c) **Underlying factors in motorcycle and bicycle injuries and fatalities.**

I do not feel qualified to offer an opinion on this aspect of the inquiry.

d) **Current measures and future strategies to address motorcycle and bicycle safety, including education, training and assessment programmes.**

i) **Cyclist Education and training:**

“It’s just like riding a bike”. A phrase in common usage which tends to indicate that riding a bicycle is a simple task, once learned, never forgotten. I have a differing view.

Riding a bike, either motorised or pedal driven, requires a set of complex skills that are often not recognised by the rider. Modern bicycles may have 27 different gears requiring the use of two levers to effect gear changes. Balance skills are required as well as cognitive skills in judging distances, assessing speeds of the bicycle as well as differential speed of the surrounding traffic, hazard avoidance techniques and braking capabilities. These skills are generally learned from on bicycle experience in a park or similar area under the supervision of a parent initially and then by the cyclist alone in a trial and error method. Road rules beyond keep to the left and stop at intersections are rarely taught at this stage. As with any skill, practice is necessary to maintain and hone the skills required to be proficient at the task.

There are limited opportunities for bicycle riders as children to learn to ride other than by the ride and fall method. The NSW Government provides limited opportunity through the CARES initiative, but that seems to fall very short of the mark. A search of the Internet reveals that CARES does not have its own website and there is no direct reference to it through either of its Corporate Sponsors, the NSW Police or the NSW RTA websites, receiving only cursory mention in other pages of those sites. Efforts to contact several CARES Facilities by me in the past have often failed as it seems there is only one officer attached to each separate venue. They appear to be part of the Traffic Section of the Local Area Command that hosts the venue. I am also led to believe these Officers have no particular training in riding a bicycle unless they have been accredited as a Bicycle Patrol Officer previously. I believe it may be well patronised through word of mouth advertising through the education system, but I believe it could be much better utilised as a training system for young people of non driving age and utilised as a preparation tool for adolescents approaching driving age.

Adult motor cycle riders are required to attend a short course prior to obtaining either their Learner’s Permit or Riders Provisional Licence. No such requirement exists for cyclists and is possibly not necessary. However, there is a shortfall of such courses on offer within NSW that intending bicycle riders could attend if they wish. Some Bicycle User Groups provide limited training in these areas, but qualified instructors are difficult to locate.

ii) **Other Road User Education:**

It is my observation that a majority of road users, including cyclists, are not fully aware of the Australian Road Rules pertaining to the use of bicycles on a road or road related area. Many

licence holders, including myself, have not been required to prove an up to date knowledge of the Australian Road Rules when renewing a Licence. I obtained my Riders and Drivers Licences in 1970, upgrading at later times to Heavy Rigid and Articulated Licences. I maintained a relatively up to date knowledge of the Australian Road Rules through my employment in ensuing years. It is now over 30 years since I have had to exhibit any actual knowledge of those rules in order to retain a Driver's Licence. As a regular cyclist I have ensured I have a working knowledge of the rules pertaining to cyclists.

iii) General Safety of Cyclists:

There are three types of safety that need to be considered in this discussion. They are:-

1. **Actual Safety** – How many Kilometres can you expect to travel before you are injured whilst riding a bicycle?
2. **Subjective Safety**- How close are you to fast Moving traffic? Is it easy to negotiate your way when travelling with motorised traffic? Do you have to be a 'fast' cyclist in order to keep up with motorised traffic?
3. **Social Safety** – Is there an assailant around the next corner? Is there a possibility of danger from attack if I ride a bicycle?

Possibly the two main barriers to cycling from this perspective are the last two, Subjective Safety and Social Safety. Actual safety can be controlled, to an extent, on a personal level. Distances cycled, areas used, time of day and our personal knowledge and appreciation of our skills are all factors we can control along with the simpler decision to either ride, or not ride a bicycle. These skills and judgment however, only come with experience.

Subjective and social safety on the other hand, is perceived to be beyond our control. If when riding, a rider is faced with a situation where they are required to ride on a busy road or placed into a location that is shrouded in darkness a rider is likely to feel more threatened by perception than reality. This is a situation faced by pedestrians also.

Subjective and social safety can be addressed by numerous methods. Separated bike lanes on roadways, separate off road cycle ways and shared paths can address subjective safety concerns. A low 'speed differential' whereby cars and bicycles are able to travel at comparatively similar speeds is also an effective example of subjective safety.

Thoughtful design which constructs cycling facilities that are open, well lit, well maintained paths with no dark tunnels or corners where a person is unable to see what is around the bend will address many social safety concerns. A high presence of other users or a Police presence will also address the issue of Social Safety.

Another contributor to fears regarding social safety is the lack of opportunity to report issues regarding breaches of the law to Police. A prevalent cry from cyclists is the lament Police will not take their complaints seriously, even when approached with witnesses who are prepared to offer statements regarding the alleged breach of the laws.

e) **the integration of motorcyclists and bicyclists in the planning and management of the road system in NSW;**

At one time, the RTA had a specific section devoted to bicycle issues and strategies. That section was closed under the guidance of the then Minister, Michael Costa and budgets for the section withdrawn. It appears to an outside observer there is little support for cycling within the Government Department responsible for roads and related infrastructure. There are individuals within the organisation who attempt to represent the interests of road users other than motorists, but without support from a dedicated section, their efforts can at times, go largely unnoticed.

Local Government Areas appear to have no obligation to have a Cycling Advisory Committee and it appears many do not voluntarily appoint such a committee. Traffic Committees also appear to have no requirement to appoint a representative from alternate road users to offer advice or a viewpoint on matters pertaining to their rights as road users.

f) **motorcycle and bicycle safety issues and strategies in other jurisdictions;**

It appears the only NSW Government Agencies having some responsibility for road users in NSW would be the Roads and Traffic Authority, Transport NSW & the Police Force.

From observations and inquiries it appears the RTA and Transport NSW have no specific cycling committees. The NSW Police Force has a small Bicycle Squad which consists of about 5 officers and two Volunteers in Policing who fall under the Education and Training umbrella. None of these Government Agencies appear to have any coordinated policy role.

g) **Any other related matters:**

A demographic that appears to be missed in many of these issues may include those who are unable to obtain a drivers licence for any number of reasons. They include visually impaired, physically impaired, developmentally delayed, financially disadvantaged people and those who have had their licence cancelled for a variety of reasons.

An issue with developmentally delayed people is their ability to read and interpret road signs, the ability to process the information presented to them quickly and the ability to make a decision based on signs or conditions prevailing at the time. They may be unable to process the information displayed on a relatively simple sign at 60 or 100 kilometres per hour, but would be able to do so at speeds of 10 to 20 kilometres per hour.

These members of our community are in most cases, totally reliant on public transport such as buses, trains and taxis. This reliance restricts their options for places to reside and their access to social amenities due to the need to reside close to these amenities. This can equate to them having to access accommodation in more desirable areas close to public transport, often at a premium cost or being socially isolated because of the lack of access to transport in isolated areas.

RECOMMENDED ACTIONS:

It is apparent motor cycle and bicycle usage in New South Wales is increasing at a relatively healthy rate and should continue to do so as fuel prices rise, public awareness of environmental issues

increase, health issues come to the fore through illnesses caused by sedentary lifestyles and population growth places greater demands on already stressed infrastructure.

Based on my statements in the preceding body of my submission I would like to see the following suggestions considered by the Staysafe Committee with a view to further detailed examination and consideration of the implementation of the suggestions.

1. Cyclist Education;

The development of a scheme whereby cyclists of all ages can have access to education and training in the use of bicycles. Such training to be developed on a basis where it is delivered to school children of all ages at regular intervals during their schooling and include topics such as road rules for all road users, safety issues pertaining to pedestrians, cyclists, passengers on all forms of transport (cars, buses, trains, trams etc,.) drivers and riders.

An expansion of the Community and Road Education Scheme (CARES), together with adequate funding to allow access to their programme by every school child in the state at least once every three years. It should cover topics pertaining to issues encountered by bicycle riders in particular and road users in general.

Adequate funding be made available and a programme devised to allow Adult Education Providers such as Community Colleges in conjunction with Cycling Bodies and Bicycle User Groups to deliver voluntary subsidised cycling education to the public through the use of qualified instructors. Such education should include topics such as Australian Road Rules, defensive riding, safety issues and basic maintenance of bicycles. The education package should also be offered free of charge to all adults identified as first time bicycle purchasers or adults returning to cycling after a prolonged absence from the activity. Such training should also include access to the scheme by those people identified as disadvantaged by way of physical, mental or financial disability.

2. Other Road User Education:

Holders of Drivers or Riders Licences should be required to demonstrate knowledge of the Australian Road Rules at the time of renewal of their relevant licence. A suggestion would be to provide a list of twenty questions and answers to each licence holder when they are informed of their need to renew their licence and a requirement to answer five random questions from that list when they renew their licence. The questions could be relevant to current enforcement strategies or road safety issues prevailing at the time.

3. General Education:

Advertising campaigns should be developed and aimed at all road users. Over past years there have been many advertising campaigns aimed at road safety that have been shown on television and in theatres, broadcast on radio or placed in the print media. Those mediums are still valid vehicles for education programmes aimed at all ages. I would suggest a requirement for all media to run a minimum percentage of road safety advertising covering all time slots throughout the day at a subsidised rate. Advertisements would target the perceived market expected to be exposed to the media at each particular time.

The current explosion in the use of mobile telephones and the internet also allows for advertising to be run through varying means such as YouTube, Social networking sites and mobile phone text messages at far less cost than the electronic media.

4. Enforcement:

Many well constructed cycling facilities and shared user paths can be rendered useless by as little as one car being parked illegally. If a car is found illegally parked on a road sign posted as a Clearway, the expectation is the car will be towed away or at least heavily fined if not moved. Similarly, if it is parked in contravention to one of the myriad of other parking restrictions it may well suffer the same fate at the hands of the Police or a Council appointed Ranger. Very rarely does the same fate apply to a car parked or driven illegally on a bicycle lane on a roadway or on a shared user path or cycle path.

There should be well considered argument for the transfer or sharing of enforcement roles to agencies other than the Police, such as Council appointed Rangers for minor non moving offences such as unregistered vehicles, defaced number plates and smooth or unsafe tyres.

Robert Peel, founder of modern Policing, is often credited with the statement **“The police are the public and the public are the police.”** At present, there is little avenue for the public to report minor or in some cases even major breaches of the Australian Road Rules to the Police.

Anecdotal evidence often reveals a reluctance of Police to accept reports of menacing driving, abuse by drivers towards other road users, instances of perceived ‘road rage’ or other offences. Such reports are met with a response such as “it is you word against theirs” or “they will just deny it occurred, so there isn’t anything we can do about it.”

Several overseas countries have successful strategies in place where the public can report these incidents and they are recorded on a database. A number of similar reports against a particular car would result in Police visiting the owner and issuing a warning regarding the alleged behaviour of the driver. Repeat offences after the warning would require an owner to nominate a driver and consideration be given to taking further action.

Similar attempts to start such a scheme in NSW have been resisted by the Police. There would be a need for safeguards to be put in place to thwart vexatious complaints, but I believe it could lead to a reduction in driving offences in the long term. Such safeguards could include the need to provide proof of identification at the time of the complaint and the logging and comparison of such information to identify repeat and potentially vexatious complainants.

This programme should be available to all road users, not just cyclists.

5. Safety:

Safety issues can be broken down into two main categories, actual safety and perceived safety. Both categories can be addressed by all of the issues identified in this submission. Education, enforcement and sensible design of on and off road facilities will go a long way to lessening these fears by all road users.

6. The integration of motorcyclists and bicyclists in the planning and management of the road system in NSW;

It appears that when planning new developments, either business or residential, little thought goes into providing facilities for any road user other than motorised transport.

Most Local Government Areas have a Traffic Committee which tends to be biased towards motorised road users. Very few have committees aimed at developing cycling facilities or initiatives in their LGA. Much more attention needs to be given to detailed planning at the micro level when developing or redeveloping areas.

It appears there is an automatic 'right' for roads to be provided and little thought is given to the provision of facilities for alternative road users such as pedestrians, cyclists, users of motorised mobility devices or even children on skateboards.

I live in a housing development built in the early 1970's that has narrow streets and no footpaths. Recently The Hills Shire constructed a 1.2 kilometre footpath through the suburb. The change to the suburb was immediate. Children suddenly appeared on the street playing on the footpath. The number of walkers increased and the community suddenly became more 'connected.' My partially sighted neighbour was delighted as she could now walk on a footpath, not the road.

Several contributors to the Staysafe Committee inquiry into Pedestrian Safety, including the NRMA, identified problems with integrating cyclists with pedestrians on footpaths and shared path ways, providing the same argument cyclists give regarding riding on the roadway, that being differential speed and perceived safety.

Many millions of dollars have been wasted on cycling infrastructure in the past through non-completion of, or non-continuity of infrastructure. A perfect example of this is the cycle path that joins Parramatta to both the Windsor Road and M7 Cycle paths. These paths traverse approximately 70kilometres and are first class recreational facilities with the added bonus of being suitable as commuter routes. This route has been made almost worthless when it reaches the intersection of Old Windsor Road & Hart Drive at Northmead (Cumberland Highway). The path simply ends at Windsor Road and Hammers Rd Northmead and cyclists are then directed on road into a series of back streets where they are then required to traverse the Hart Drive/ Old Windsor Road intersection before joining the cycle path again. This was an opportunity to provide a continuous link into Parramatta & was destroyed because a 200 metre lane was excluded from the Transit Way.

I would propose each LGA should have separate Traffic, Pedestrian and Cycling Committees with a requirement that each committee has a representative voting member on each committee and these committees should have input into infrastructure requirements for any development undertaken involving transport issues.

7. Motorcycle and bicycle safety issues and strategies in other jurisdictions;
Consideration should be given to the formation of an entity separate to the RTA to oversee and plan non motorised traffic infrastructure. It appears the main focus of the RTA is motor

vehicle traffic, with little consideration being given to non motorised transport in any form, including walking.

If that is not possible, then the RTA Cycling Section should be reinstated as a matter of urgency with an added purpose of representing non motorised users of roads and road related areas within the state. That body should also be assisted by a committee made up of representatives from the Police, peak interest bodies such as Bicycle NSW, Cycling Promotion Fund, Pedestrian Council of Australia, Public Transport User Associations and bodies representing disabled associations.

8. Any other matters:

Many potential users of non motorised traffic are excluded from using alternative methods of transport. This is a group of people who, in many cases have a greater need and right to access to non motorised traffic facilities and are also more vulnerable road users than most.

People with disabilities are rarely considered when building infrastructure in conjunction with roadways. Legislation dictates buildings must have access ramps and disabled toilet facilities. There are requirements for perambulator ramps on footpaths, but that is about the only concessions they receive. Many of their needs are relative to those of cyclists. Wide pathways, gentle grades, easy access to road crossings, safety assurance where paths cross roads at any point, particularly roundabouts, longer sequences on traffic lights for road crossings and good sight lines at intersections and road crossings, to name just a few.

The disabled are more likely to require the use of non motorised transport than the able bodied amongst us. Physical disability will often require the use of either a wheelchair or a motorised mobility aid. Connected, well constructed off road path ways, wide enough to accommodate a range of modes of transport would benefit large numbers of the non motoring public.

Many different classes of people do not have access to a motor vehicle and would benefit from riding a bicycle. Developmentally delayed who do not have the capacity to understand the complex road rules or the mental capacity to carry out the complex functions of driving a motor vehicle may well be able to ride a bicycle. The financially disadvantaged & those who have lost a licence can also benefit.

Consideration should also be given to the status of electric powered cycles, both pedal assisted and electric power only. Many elderly people are able to continue riding long past their 'use by date' simply by using an electric assist bicycle.